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09/234,255	01/20/1999	STEVEN L. WEBB	10980134-1	6354

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EXAMINER

JOSEPH, THOMAS J

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 21

Application Number: 09/234,255

Filing Date: January 20, 1999

Appellant(s): WEBB et al.

METHOD AND APPARATUS FOR IMPROVING A PROGRESS MONITOR DURING A
LONG PROCESS
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 14, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1 – 10 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,097,390	Marks	8-2000
6,337,699	Nielsen	1-2002
MS Outlook 97	Borland	1997

(10) Grounds of Rejection

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 4, 5, 6, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable Marks (US 6,097,390) and Nielsen (US 6,337,699).

Claim 1 is rejected. The Appellant cites, "a progress area used to indicate the progress of a process being monitored" while Marks demonstrates a window wherein the user can monitor the progress of a process (fig. 3; col. 3, lines 10 – 14). Both provide graphical areas for tracking progress. This is "a progress indicator that progressively divides the progress area into a first part of the progress area and a second part of the progress area, where the first part of the progress area corresponds to the amount of completion of the process being monitored," as cited by the Appellant. Marks teaches an indicator within the display bar designated for tracking progress (fig. 3; col. 3, lines 10 – 14). The area located left of the said indicator is used for tracking completion. Marks further teaches information, in addition to the progress of the

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process, progressively becoming visible in the first part of the progress area as the first part of the progress area becomes larger (fig. 3; col. 3, lines 10 – 14). As the process progresses, the progress area becomes larger. Marks fails to teach areas containing information regarding the data being processed.

Nielsen teaches display areas containing information associated with the tracking the progress of a process (fig. 3a – 3d; col. 4, lines 63 – 68; col. 5, lines 1 – 13).

Nielsen teaches a method for tracking progress that includes changing the color of an interior space (fig. 2). This information on the window graphic, such as an icon, is a part of the said first section of the progress area when the progress area covers the entire window. Graphics are used for representing information changes indicating to the user that progress has been achieved. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the information for the graphical process area taught by Marks with the progress graphic disclosed by Nielsen. Doing so provides the user with a method for tracking the movement of relevant information through a computing process.

Claim 2 is rejected. Marks teaches a progress area in the form of a rectangle (fig. 3; col. 5 – 15). The “progress indicator” bar takes on the form of a rectangle.

Claims 3 and 4 are rejected. Marks suggest, teach, or demonstrate the displaying the flow of data using a partly circular or partly elliptical display (fig. 4a, 5a, 4c, 5c).

Claim 5 is rejected. Marks teaches the first part of the progress area in a first color and the second part of a progress area in a second color and the progress

indicator defined by the change in color between the first and second part of the progress bar (fig. 3; col. 5 – 15). The portion of the “progress indicator” bar indicating the portion of the process having been completed is darker than the remaining portion of the said “progress indicator” bar. This darkening is a change in color.

Claim 6 is rejected. Marks teaches a progress indicator being a line dividing the first part of the progress area from the second part of the progress area (fig. 3; col. 5 – 15). The vertical line found within the indicator bar is the “line” dividing the first part of the progress area from the second part of the progress area. This “line” is the actual progress indicator.

Claim 8 is rejected. Marks demonstrates in the figure a progress indicator that moves in a linear direction (fig. 3; col. 5 – 15).

Claim 9 is rejected. Marks teach an indicator that can be considered angular (fig. 4a, 5a, 4c, 5c). The cursor like progress indicators taught by Marks uses an angle based symbol to indicate to the user progress.

Claim 10 is rejected. Marks and Nielsen teach the rationale claim 10 in rejected claim 1. Marks teaches a progress bar where progression is displayed (fig. 3; col. 5 – 15). When the process is completed, the system stops processing (fig. 3; col. 5 – 15). The hourglass graphic demonstrates stopping when the sand falls to the lower section (fig. 6b, 7b, 8b). This demonstration teaches a repeating of “steps c and d until the process being monitored has been completed” as cited by the Appellant.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marks (US 6,097,390) and Nielsen (US 6,337,699) as applied to claim 1 above, and further in view of MS Outlook 97.

Claim 7 is rejected. Marks and Nielsen fail to teach any type of uncovering that is the next line of text in a story. MS Outlook calendar provides a scroll bar that allows for the progressing through a calendar wherein the user can view a history (p. 23). The Appellant fails to describe the type of "story " accessed. Activating the scroll feature does bring about a procession of progress. It would have been obvious to one with ordinary skill in the art at the time of the invention to uncover the next line of a text in a story as taught by Outlook with the method for tracking progress using a progress indicator disclosed by Marks and Nielsen. Doing so allows the user to view current and forthcoming events while processes are being performed.

(11) Response to Argument

4. Appellant's arguments filed 6-17-2002 have been fully considered. The Appellant responds to the 35 USC 103 rejections of claims 1 – 10.

The Examiner acknowledges the assumption of the Appellant stating that the Examiner intended to reject claims 1 – 6 and 8 – 10 as being unpatentable Marks (US 6,097,390) and Nielsen (US 6,337,699).

The Appellant responds to the rejection of claims 1 and 10. The Appellant asserts that Marks fails to teach information becoming progressively visible in the first part of the progress area. The Examiner responds by stating that the changing progress indicator is a method for providing information indicating numeric progress of a

process. The darkened area representing additional progress is considered an indicator. This indicator provides information in addition to the progress information. Further, Nielsen discloses display icons that can represent additional information for an observer. Furthermore, the Appellant asserts that neither Marks nor Nielsen teach progressively revealing information in the first part of the progress area as disclosed in claim 10. The Examiner responds by stating that Marks does teach progressively revealing information in the first part of the progress area. Progressively revealing information includes movement, coloring, symbolism, etc. of graphics in addition to the display of alphanumeric data.

The Appellant responds to the rejection of claim 7 by stating that MS Outlook 97 cannot be combined with Marks and Nielsen. Further, the Appellant asserts that the calendar and scrollbar taught by Outlook do not overcome the deficiencies of Marks and Nielsen. By Mark and Nielsen teaching a method for tracking a process, they suggest the possibility for including progress through a story or other written material as a possible process. The Examiner responds by stating the scroll bar does demonstrate a type of progress indicator while the corresponding calendar provide contents representing a history. It would have been obvious to one with ordinary skill in the art at the time of the invention to uncover the next line of a text in a story as taught by Outlook with the method for tracking progress using a progress indicator disclosed by Marks and Nielsen. Doing so allows the user to view current and forthcoming events while processes are being executed.

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Due to at least the above reasons, the Examiner recommends that the rejections of claims 1 – 10 remain standing.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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August 26, 2003

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